

# **EXHIBIT 1**



DEPUTY SECRETARY OF DEFENSE  
1010 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1010

JUN 10 2021

MEMORANDUM FOR DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Department of Defense Plan for the Redirection of Border Wall Funds

On January 20, 2021, President Biden issued Proclamation 10142, "Termination of Emergency with Respect to the Southern Border of the United States and Redirection of Funds Diverted to Border Wall Construction" (the Proclamation). Section 2 of the Proclamation directed the Department of Defense (DoD) and the Department of Homeland Security to develop a plan for redirecting funds and repurposing contracts as appropriate and consistent with applicable law.

The DoD plan is composed of two parts: (1) cancellation of projects and (2) redirection of funds. Part 1 of the plan is documented by the attached April 30, 2021, memorandum, "Department of Defense Actions Implementing Presidential Proclamation 10142," in which the Deputy Secretary of Defense directed the cancellation of all projects authorized pursuant to title 10, U.S. Code, sections 284 and 2808 (TAB A). Part 2 of the plan is documented by the attached funding plan, which describes how the Department will use the \$2.2 billion of available unobligated military construction appropriations to restore funding for 66 projects in 11 States, 3 territories, and 16 countries in FY 2021 (TAB B). These two documents taken together constitute the full and complete DoD plan directed in section 2 of the Proclamation.

As required by section 2 of Proclamation 10142, this plan was fully coordinated with the Attorney General, the Director of the Office of Management and Budget, and the heads of other appropriate executive departments and agencies, and in consultation with the Assistant to the President for National Security Affairs.

This Plan is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable by law or in equity by any party against the United States, its departments, agencies, or entities, its officers, or agents, or any person.

A handwritten signature in black ink, appearing to read "L. H. H. H. H.", is located below the text. The signature is stylized and cursive.



DEPUTY SECRETARY OF DEFENSE  
1010 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1010

APR 30 2021

MEMORANDUM FOR SECRETARY OF THE ARMY  
UNDER SECRETARY OF DEFENSE (COMPTROLLER)/CHIEF  
FINANCIAL OFFICER

SUBJECT: Department of Defense Actions Implementing Presidential Proclamation 10142

In Proclamation 10142, the President "declare[d] that the national emergency declared by Proclamation 9844 ... is terminated and that the authorities invoked in that proclamation will no longer be used to construct a wall at the southern border." The Proclamation also directed the Secretary of Defense and the Secretary of Homeland Security to develop a plan for redirecting funding and repurposing contracts for all border barrier projects. This memorandum directs actions for the Department of Defense in furtherance of Proclamation 10142 regarding those projects authorized pursuant to title 10, U.S. Code, sections 284 and 2808.

Section 2808 of Title 10, U.S. Code, Border Barrier Construction

As specified in section 2808(c) the termination of the national emergency with respect to the southern border in Proclamation 10142 made the authority provided in section 2808 no longer available. I have also determined, based on the termination of the national emergency, that projects authorized pursuant to section 2808 are no longer necessary to support the use of the armed forces.

The Secretary of the Army will take immediate action to: (1) cancel all section 2808 border barrier construction projects, including providing any requisite congressional notification; (2) relinquish any lands withdrawn by the Department of the Interior for such construction; and (3) transfer administrative jurisdiction of any lands purchased for such construction or transferred from other Federal departments or agencies pursuant to the Federal Property Act, to the Department of Homeland Security. The Department of the Army may expend military construction funds made available for section 2808 border barrier construction only to pay contract termination costs, including suspension costs. Such costs may include expenses of activities necessary for contractor demobilization, but may not include costs associated with any further construction or construction-related activities of any kind.

As funds become available, the Under Secretary of Defense (Comptroller)/Chief Financial Officer will take immediate action to release the unobligated military construction funds to the relevant Military Departments and Defense Agencies and ensure they are used in an appropriately prioritized manner to carry out military construction projects that were deferred to finance section 2808 border barrier construction.

Section 284 of Title 10, U.S. Code, Border Barrier Construction

Cancelling section 284 border barrier projects is consistent with the President's determination that "building a massive wall that spans the entire southern border is not a serious policy solution" to the security challenges at the southern border. Although not legally required



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by the termination of the national emergency at the southern border, cancelling section 284 projects is consistent with the policy intent, described in Proclamation 10142, to end construction of a border wall. The Secretary of the Army therefore will take immediate action to cancel all section 284 construction projects. The Department of the Army may use funds transferred for section 284 border barrier construction projects to pay contract termination costs, including suspension costs. Such contract termination and suspension costs may include costs associated with activities necessary for contractor demobilization. The Department of the Army also may use such funds for activities necessary to make permanent any measures that were taken to avert immediate physical dangers during the pause directed by section 1(b) of Proclamation 10142.

I have informed the Secretary of Homeland Security that DoD will no longer undertake the construction of fences and roads and installation of lighting at the southern border pursuant to title 10, U.S. Code, section 284, and that consistent with previous approvals of section 284 construction, DHS will accept custody of border barrier infrastructure constructed pursuant to section 284, account for such infrastructure in its real property records, and operate and maintain the infrastructure (including undertaking any necessary further construction, consistent with applicable law).

A handwritten signature in black ink, appearing to read "Kathleen H. Hickey". The signature is fluid and cursive, with a large initial "K" and a distinct "H" and "H" in the middle.

cc:  
Chairman of the Joint Chiefs of Staff  
Under Secretary of Defense for Acquisition and Sustainment  
Under Secretary of Defense for Policy  
General Counsel of the Department of Defense  
Commander, U.S. Army Corps of Engineers



**TAB A - Projects to be Funded from Released Funds (FY 2021)**  
Dollars in Thousands

Location States	State/Country Title	Component	Line Item Title	FY 2021 Restoral
	Alaska	MDA	Missile Field #1 Expansion	\$10,000
	Florida	Air Force	Fire/Crash Rescue Station	\$25,800
	Indiana	Air Guard	Construct Small Arms Range	\$9,417
	Maryland	Army	Cantonment Area Roads	\$26,000
	North Carolina	USMC	2nd Radio BN Complex, Phase 2 (INC)	\$25,650
	South Carolina	USMC	Laurel Bay Fire Station Replacement	\$10,750
	Texas	Air Force	Camp Bullis Dining Facility	\$22,000
	Utah	Air Force	Composite Aircraft Antenna Calibration Fac	\$24,000
	Virginia	Navy	Ships Maintenance Facility	\$26,120
	Washington	Navy	Pier and Maintenance Facility <sup>1/</sup>	\$88,960
	Wisconsin	Air Guard	Construct Small Arms Range	\$10,493
	Unspecified	Army	Defense Access Roads <sup>2/</sup>	\$20,000
States Total				\$299,190
Territory	Guam	Air Force	APR - Munitions Storage Igloos, Ph 2	\$28,600
			APR - SATCOM C4I Facility	\$13,800
			PRTC Roads	\$2,500
		Navy	Navy-Commercial Tie-In Hardening	\$37,180
		USMC	Earth Covered Magazines	\$52,270
			Machine Gun Range (INC)	\$50,000
			Water Well Field	\$56,088
	Puerto Rico	Army Guard	Aircraft Maintenance Hangar (AASF)	\$64,000
			Company Headquarters Bldg -Transient Training	\$47,000
			Dining Facility, Transient Training	\$13,000
			Maneuver Area Training Equipment Site	\$78,337
			National Guard Readiness Center	\$50,000
			Power Substation/Switching Station Building	\$35,000
			Readiness Center	\$28,602
			Vehicle Maintenance Shop	\$26,707
	Virgin Islands	Army Guard	National Guard Vehicle Maintenance Shop Add/A	\$3,962
			Vehicle Maintenance Shop	\$21,436
Territory Total				\$608,482
Overseas	Bahrain Island	Navy	Electrical System Upgrade	\$53,360
			Fleet Maintenance Facility & TOC	\$26,340
	Bulgaria	Army	EDI: Ammunition Holding Area	\$5,200
	Germany	Army	Hazardous Material Storage Building	\$2,900
			Mission Training Complex	\$30,800
		Air Force	37 AS Squadron Operations/AMU	\$15,400
			Upgrade Hardened Aircraft Shelters for F/A-22	\$1,800
		DLA	EDI: Logistics Distribution Center Annex	\$46,000
		DoDEA	Robinson Barracks Elem. School Replacement	\$46,609
			Spangdahlem Elementary School Replacement	\$79,141
	Greece	Navy	EDI: Marathi Logistics Support Center	\$6,200
	Guantanamo Bay, Cuba	Army	OCO: Communications Facility	\$22,000
			OCO: Detention Legal Office and Comms Ctr	\$11,800
		DHA	Working Dog Treatment Facility Replacement	\$9,761
	Hungary	Air Force	ERI: Increase POL Storage Capacity	\$13,717
	Italy	Navy	EDI: P-8A Taxiway and Apron Upgrades	\$66,050
	Japan	DoDEA	Bechtel Elementary School	\$94,851
			Kinnick High School Inc 1	\$40,000
			Pacific East District Superintendent's Office	\$20,106
	Jordan	Air Force	Air Traffic Control Tower	\$18,901
			Munitions Storage Area	\$34,262
	Korea	Army	Command and Control Facility	\$21,000
			Unmanned Aerial Vehicle Hangar	\$48,699
	Kwajalein	Army	Air Traffic Control Terminal	\$70,000
	Luxembourg	Air Force	ERI: ECAOS Deployable Airbase System Storage	\$97,071
	Romania	Army	EDI: Explosives & Ammo Load/Unload Apron	\$22,500
	Slovakia	Air Force	EDI - Regional Munitions Storage Area	\$59,916
			ERI: Airfield Upgrades	\$17,346
			ERI: Airfield Upgrades	\$3,061
			ERI: Increase POL Storage Capacity	\$19,085
	Spain	Navy	EDI: In-Transit Munitions Facility	\$9,960
			EDI: Joint Mobility Center	\$46,840
			EDI: Port Operations Facilities	\$21,590
			EDI: Small Craft Berthing Facility	\$12,770
	United Kingdom	Air Force	EDI - Munitions Holding Area	\$26,977
			Main Gate Complex	\$16,500
	Worldwide Unspecified	Air Force	TACMOR - Utilities and Infrastructure Support	\$120,917
Overseas Total				\$1,259,430
Other 2808 Unobligated Balances <sup>3/</sup>		Army		\$12,088
		Navy		\$13,018
		Air Force		\$1,208
		Army Guard		\$831
		Air Guard		\$4,090
		OSD		\$1,446
Other 2808 Unobligated Balances Total				\$32,681
Grand Total				\$2,199,783

<sup>1/</sup> Although this project remains identified as a funding source for Section 2808 construction, funding for this project was previously released to the Navy pursuant to a court order that is on appeal.

<sup>2/</sup> To date, Congress has not authorized a location for this Defense Access Roads project.

<sup>3/</sup> After restoral of funding for projects at updated cost estimates in accordance with established procedures, any remaining 2808 unobligated balances will be returned to the relevant MILCON accounts.